



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

**RODOLFO MARTINEZ,**  
Defendant.

CASE NO. 08-0934M  
ORDER OF DETENTION

**I**

A. ☐ On motion of the Government in a case allegedly involving:

1. ☐ a crime of violence.

2. ☐ an offense with maximum sentence of life imprisonment or death.

3. ☐ a narcotics or controlled substance offense with maximum sentence of ten or more years.

4. ☐ any felony - where defendant convicted of two or more prior offenses described above.

5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. ☒ On motion by the Government/ ☐ on Court's own motion, in a case allegedly involving:

☐ On the further allegation by the Government of:

1. ☒ a serious risk that the defendant will flee.

2. ☐ a serious risk that the defendant will:

a. ☐ obstruct or attempt to obstruct justice.

b. ☐ threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government ☐ is/ ☐ is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

## II

A. ☒ The Court finds that no condition or combination of conditions will reasonably assure:

1. ☒ the appearance of the defendant as required.

☒ and/or

2. ☒ the safety of any person or the community.

B. ☐ The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

## III

The Court has considered:

A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

B. the weight of evidence against the defendant;

C. the history and characteristics of the defendant; and

1 D. the nature and seriousness of the danger to any person or the community.

2 IV

3 The Court also has considered all the evidence adduced at the hearing and the  
4 arguments and/or statements of counsel, and the Pretrial Services  
5 Report/recommendation.

6 V

7 The Court bases the foregoing finding(s) on the following:

8 A. ☒ As to flight risk:

9 No personal information provided by defendant;  
10 Defendant in U.S. illegally  
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12  
13  
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15 B. ☒ As to danger:

16 Defendant has 2 prior felony convictions, one for  
17 attempted murder and one for assault with a  
18 firearm; Defendant has 5 misdemeanor  
19 convictions  
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21

22 VI

23 A. ☐ The Court finds that a serious risk exists the defendant will:

24 1. ☐ obstruct or attempt to obstruct justice.

25 2. ☐ attempt to/ ☐ threaten, injure or intimidate a witness or juror.  
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1 B. The Court bases the foregoing finding(s) on the following:  
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5 VI

6 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

7 B. IT IS FURTHER ORDERED that the defendant be committed to the custody  
8 of the Attorney General for confinement in a corrections facility separate, to the  
9 extent practicable, from persons awaiting or serving sentences or being held in  
10 custody pending appeal.

11 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
12 opportunity for private consultation with counsel.

13 D. IT IS FURTHER ORDERED that, on order of a Court of the United States  
14 or on request of any attorney for the Government, the person in charge of the corrections  
15 facility in which defendant is confined deliver the defendant to a United States marshal  
16 for the purpose of an appearance in connection with a court proceeding.

17  
18 DATED: 4/18/08

Jennifer T. Lum  
19 JENNIFER T. LUM  
20 UNITED STATES MAGISTRATE JUDGE  
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